



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Conservation Commission Bylaw Subcommittee

**Meeting Minutes
March 19, 2014**

The meeting was called to order at 6:10 p.m. by Sean Czarniecki, Chairman, at the Pike House. Present at the meeting were Carolina Linder and Dennis Sheehan (late arrival). Also present was Kyle Boyd, Conservation Agent, Melissa Johnson, Recording Secretary, and Conservation Commission member, Anthony Ippolito.

A) Refinement of Regulations

Mr. Czarniecki noted that a lot of progress was made at the last meeting with the regulations and there are only a few items remaining. Mr. Boyd explained that he added the Open Space Residential Design Special Permit section of the bylaw that explains the Conservation Commission's areas of responsibility to the website as well as the link to the website for applicants to get the FEMA plans and the link to National Heritage Priority Habitats. Mr. Boyd will also be putting the groundwater protection district and the storm water hand book on the website. Mr. Boyd noted that he also reviewed the checklist and referenced the appropriate section of the regulations were needed.

Ms. Linder suggested adding questions to the checklist to help an applicant determine which sections apply to them. Discussion took place on this being confusing and something that can be done in the future. Mr. Boyd noted that he put at the top of the checklist to contact the Conservation Administrator with any questions concerning applicability. Mr. Czarniecki suggested using Ms. Linder's suggestion as a separate guide and putting it on the website.

Mr. Ippolito noted that he feels that there should be a separate checklist for residential to make it easier for the homeowner. Mr. Czarniecki explained that this was discussed at the previous meeting and it was agreed that each case is different and require different things. Mr. Boyd suggested working with the one checklist and modifying it as needed and possibly creating a separate document

6:19 p.m. Mr. Sheehan arrived.

Discussion took place on the current fee schedule. Mr. Czarniecki feels the current fee schedule is confusing. Mr. Boyd explained that the current fee schedule mimics the State fees plus \$50.00; the State fees cannot be changed other than adding an additional fee. The

fee schedule is included in the Notice of Intent application. Discussion took place on the simplicity of the City of Lowell's fee schedule and what could be done with the additional funds and how to justify an increase. Ms. Johnson suggested utilizing the additional funds to help maintain the open space parcels that have been and/or will be deeded to the Conservation Commission.

D. Bylaw Clarifications

18.04.050 Applications for permit and requests for determination

10) (2) Discussion took place on whether the appropriate distance should be 100 feet or 200 feet. Mr. Boyd suggested adding language that 200 feet from a river must be maintained. Discussion took place on the requirement for the FEMA flood maps. Mr. Boyd explained that the maps can be obtained online for free. Ms. Linder noted that not everyone is computer literate or has access to a computer. Mr. Boyd explained that he would also be available to help in those types of situations and could print the plan for the applicant

C) (1) Mr. Czarniecki noted that the new storm data was discussed at the previous meeting and whether this is something the Commission wants to require at this time. Ms. Linder asked if there would be a reason not to require this. Mr. Boyd suggested holding off until this is something that DEP requires. Mr. Boyd will research how other communities have addressed this.

18.04.060 Notice and Hearings

1) Mr. Boyd noted that the regulations state notification within 300 feet and the bylaws state within 100 feet. It was the consensus that this should be changed to 100 feet in the regulations as well.

18.04.090 Permits, Determinations, Conditions

10) Discussion took place on the language contained in this section and what it actually means. Mr. Boyd noted that the language may have been reversed and it should be the Commission can deny an application under the local bylaws, but accept it under the State law. Mr. Czarniecki noted that number 11 of this section states that and suggested checking with Steve Deackoff, Conservation Commission Chairman, on this as he may be able to provide additional information. If Mr. Deackoff is unable to provide any input on this the paragraph will be struck.

Adjournment.

MOTION: Mr. Czarniecki made the motion to adjourn; seconded by Mr. Sheehan and the motion carried 3-0.

Approved: 9/2/15

(No new information provided.)